


SANDY SPRINGS

GEORGIA

To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Director of Community Development 

Date: July 6, 2009 For Submission onto the onto the July 21, 2009 City Council meeting

Agenda Item: **U09-001/U09-002/U09-007 5855 Riverside Drive**, Request for use permits to construct a 2,000 square foot addition to the existing church, expand enrollment at the Private School to 70 students, and establish a Day Care Facility to have enrollment of 150 children during the work week and 50 children on Saturdays.

CMO (City Manager's Office) Recommendation:

APPROVAL CONDITIONAL of the use permits to construct a 2,000 square foot addition to the existing church, expand enrollment at the Private School to 70 students, and establish a Day Care Facility to have enrollment of 150 children during the work week and 50 children on Saturdays.

Background:

The site is located on the east side of Riverside Drive and lies just south of the I-285 highway. The property is zoned R-1 (Single Family Dwelling District) and is currently developed with a church and private school. Except for the I-285 highway to the north, it is surrounded by low density single family residential homes.

Discussion:

The site plan submitted shows the existing 22,243 square foot church and school and the proposed 2,000 square foot addition located on east side of Riverside Drive and just south of the I-285 eastbound onramp. In addition, there one (1) trailer existing on site, three (3) play areas and an existing Bell South cell phone tower. The applicant is proposing to add approximately 2,000 square feet to the southern portion of the existing church to be used as office space and a new library, freeing up space in the church building to expand the private school. The total proposed square footage, including trailers, is 26,351 at a density of 2,614.19 square feet per acre. The parking area is located in front of the building and is accessed by one (1) curb cut from Riverside Drive.

Concurrent Review:

The staff held a Focus Meeting on February 6, 2009 at which the following city departments provided comments:

- Building Division
- Development Division
- Fire Department
- Transportation Division

In addition, the following external departments were contacted for comment:

- Atlanta Regional Commission
- Fulton County Board of Education
- Fulton County Department of Environment and Community Development
- Fulton County Department of Public Works
- Fulton County Environmental Health Services (*comments received*)
- Sandy Springs Council of Neighbors



- Sandy Springs Revitalization Inc.
- Georgia Department of Transportation
(*comments received*)
- City of Atlanta Department of Watershed
Management
- U.S. Postal Service Address Management
Systems
- MARTA
- Fulton County Emergency Management
(*comments received*)



Use Permit Petition No. U09-001/U09-002/U09-007

HEARING & MEETING DATES

Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
January 27, 2009	February 25, 2009	March 19, 2009 May 21, 2009 June 18, 2009	April 21, 2009 June 16, 2009 July 21, 2009

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
St. Andrew's Presbyterian Church	St. Andrew's Presbyterian Church	Ellen Smith, Esq.

PROPERTY INFORMATION

Address, Land Lot, and District	5855 Riverside Drive Land Lot 133, District 17
Council District	6
Frontage and Area	413 feet of frontage along the east side of Riverside Drive. The subject property has a total area of 10.08 acres.
Existing Zoning and Use	R-1 (Single Family Dwelling District) conditional under U07-005, currently developed with a Church and Private School
2027 Comprehensive Future Land Use Map Designation	Residential, 0 to 1 units per acre (R0-1)
Proposed Use	Church, Private School, and Day Care Facility

INTENT

A USE PERMIT TO ADD A 2,000 SQUARE FOOT ADDITION TO AN EXISTING CHURCH (SECTION 19.4.10, CHURCH, TEMPLE OR PLACE OF WORSHIP), A USE PERMIT TO EXPAND ENROLLMENT IN THE EXISTING PRIVATE SCHOOL (SECTION 19.4.40, SCHOOL, PRIVATE OR SPECIAL), AND A USE PERMIT TO ESTABLISH A DAY CARE FACILITY (SECTION 19.4.15, DAY CARE FACILITY).

The applicant is requesting use permits to construct a 2,000 square foot addition to the existing church, expand enrollment at the Private School to 70 students, and establish a Day Care Facility to have enrollment of 150 children during the work week and 50 children on Saturdays.

The applicant was granted a use permit (U07-005) on July 17, 2007 to allow for 10,000 square feet of the existing church building to be used for a foreign language school with a preschool/kindergarten component (Section 19.4.40, *School, Private or Special*). The operation was permitted for a maximum of 60 children.

PLANNING COMMISSION RECOMMENDATION

March 19, 2009 Hearing: Deferral to the May 21, 2009 Planning Commission hearing (5-0, Thatcher, Boyken, Maziar, Rubenstein, Pond for; Duncan not voting and Rupnow absent) to allow the applicant time to revise the letter of intent to accurately identify the scope of the request(s) by clarifying the quantity, ages, and days & times of attendance of the children. Additional needed clarification included detailing the specific, defined use(s) being proposed as related to Schools and Day Care Facilities.

May 21, 2009 Hearing: Deferral to the June 18, 2009 Planning Commission hearing (4-0, Thatcher, Rubenstein, Pond, Rupnow for; Duncan not voting; Boyken and Maziar absent) to allow the applicant time to revise the letter of intent to accurately identify the scope of the request(s) and to allow proper re-advertisement.

June 18, 2009 Hearing: Boyken recommendation for approval subject to staff conditions and amendments. Thatcher seconded. Approved (3-2, Thatcher, Boyken, and Rubenstein for; Rupnow and Maziar against; Duncan not voting). The planning commission recommended the following amendments to staff conditions:

- To limit the private school to elementary grades K through 3 (cond.# 1.b), to limit the operating hours of the Private School to 8:00 a.m. to 3:00 p.m. (cond.# 1.b), to limit the operating hours of the weekday Day Care Facility to 8:00 a.m. to 6:00 p.m. (cond.# 1.c),
- To allow no more than 17 staff and 118 children to be enrolled under Staff's amended recommended conditions until such time review and approval for more occupancy has been obtained from Fulton County Health & Wellness, then a total enrollment of up to the staff recommended conditions for the number of enrollment during weekdays and Saturdays may be utilized (new cond.# 1.g),
- To stipulate no additional instruction and programs shall be permitted for any person beyond the staff recommended conditions for the number of enrollment during weekdays and Saturdays (cond.# 2.l),
- To provide for the expiration of the subject Private School Use Permit on December 31, 2013 (new cond.# 2.n), and
- To limit the instruction of the Private School as follows: only offer grades K through 1 for the 2009-2010 academic year, only offer grades K through 2 for the 2010-2011 academic year, only offer grades K through 3 for the academic year 2011-2012 (new cond.# 2.o).

CITY COUNCIL ACTION

April 21, 2009 Hearing: Deferred to the June 16, 2009 City Council hearing (Councilmember McEnergy moved to defer and Councilmember Fries seconded; the motion carried unanimously) to allow the applicant time to revise the letter of intent to accurately identify the scope of the request(s) by clarifying the quantity, ages, and days & times of attendance of the children. Additional needed clarification included detailing the specific, defined use(s) being proposed as related to Schools and Day Care Facilities.

June 16, 2009 Hearing: The petition was deferred to the July 21, 2009 City Council hearing to allow the applicant time to revise the letter of intent to accurately identify the scope of the request(s) by clarifying the quantity, ages, and days & times of attendance of the children. Additional needed clarification included detailing the specific, defined use(s) being proposed as related to Schools and Day Care Facilities.

July 21, 2009 Hearing: TBD

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

U09-001 - APPROVAL CONDITIONAL

U09-002 - APPROVAL CONDITIONAL

U09-007 - APPROVAL CONDITIONAL

Staff received a revised letter of intent that more accurately identified the scope of the request(s) by clarifying the quantity, ages, and days & times of attendance of the children and clarifying the specific, defined use(s) being proposed. Upon review of the requested information, Staff determined that pursuant to the City of Sandy Springs Zoning Ordinance, the proposed uses constituted a Church, Private School, and a Day Care Facility. Private School and Day Care Facility are defined as follows in the Zoning Ordinance:

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Hearing on July 21, 2009

- School, Private. An educational use having a curriculum at least equal to a public school, but not operated by the Fulton County Board of Education.
- Day Care Facility. A use in which shelter, care, and supervision for (7) or more persons on a regular basis away from their residence for less than 24 hours a day. A Day Care Facility may provide basic educational instruction. The term shall include nursery school, kindergarten, early learning center, play school, pre-school, and Group Day Care Home.

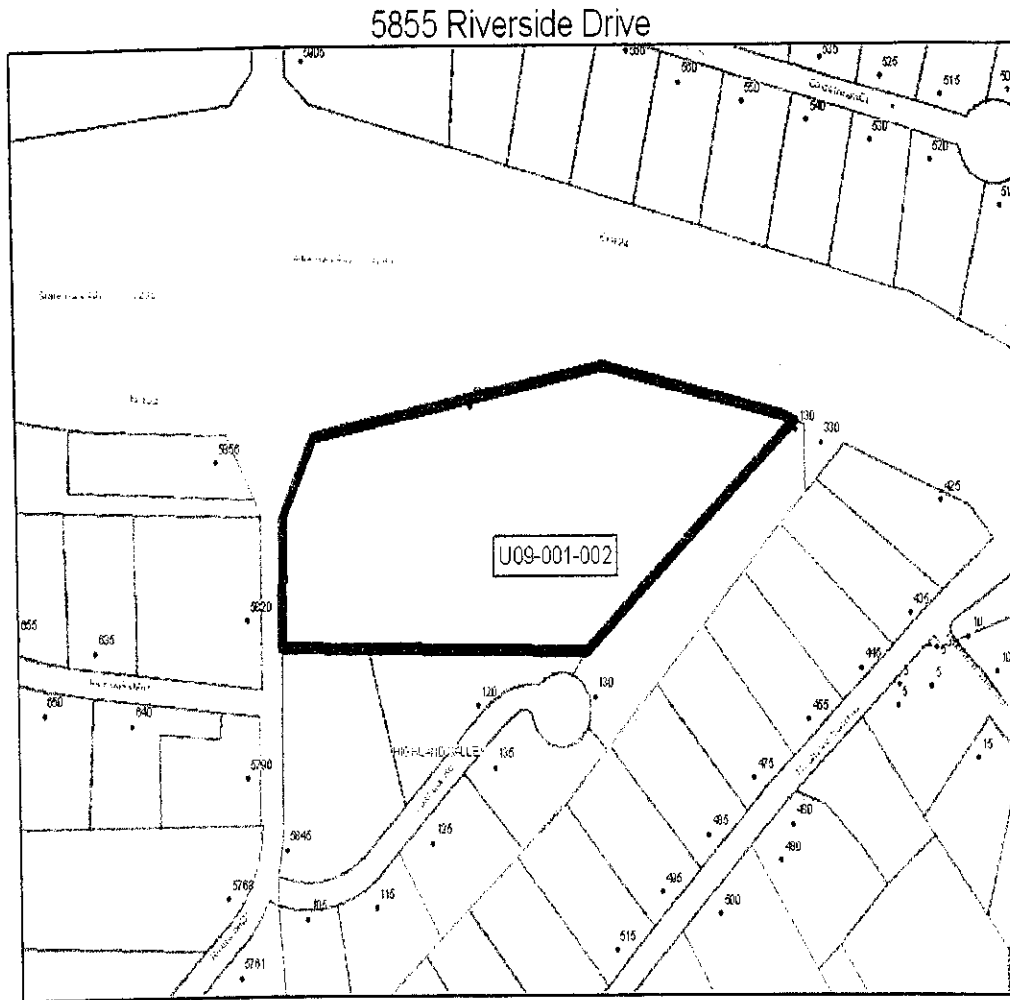
The differentiation between a Private School and a Day Care Facility is based on the fact a Fulton County public school curriculum does not exist for programs having children four (4) years of age and younger; therefore, such programs are considered by the City as Day Care Facilities and not Private Schools. Accordingly, the application constitutes a multiple of uses.

Based upon the revised information, the applicant's requests are the following:

- 1) Expansion of the Church (U09-001)(19.4.10, *Church, Temple or Place of Worship*).
- 2) Expansion of the Private School (U09-002)(Section 19.4.40, *School, Private or Special*).
- 3) Establishment of a Day Care Facility use (U09-007)(Section 19.4.15, *Day Care Facility*).

Please note, the U09-001/ U09-002/ U09-007 petition has accurately been re-advertised identifying the aforementioned three (3) requested Use Permits.

Location Map



- School, Private. An educational use having a curriculum at least equal to a public school, but not operated by the Fulton County Board of Education.
- Day Care Facility. A use in which shelter, care, and supervision for (7) or more persons on a regular basis away from their residence for less than 24 hours a day. A Day Care Facility may provide basic educational instruction. The term shall include nursery school, kindergarten, early learning center, play school, pre-school, and Group Day Care Home.

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Please note, the U09-001/U09-002/U09-007 petition has accurately been re-advertised identifying the aforementioned three (3) requested Use Permits.

BACKGROUND

The site is located on the east side of Riverside Drive and lies just south of the I-285 highway. The property is zoned R-1 (Single Family Dwelling District) and is currently developed with a church and private school. Except for the I-285 highway to the north, it is surrounded by low density single family residential homes.

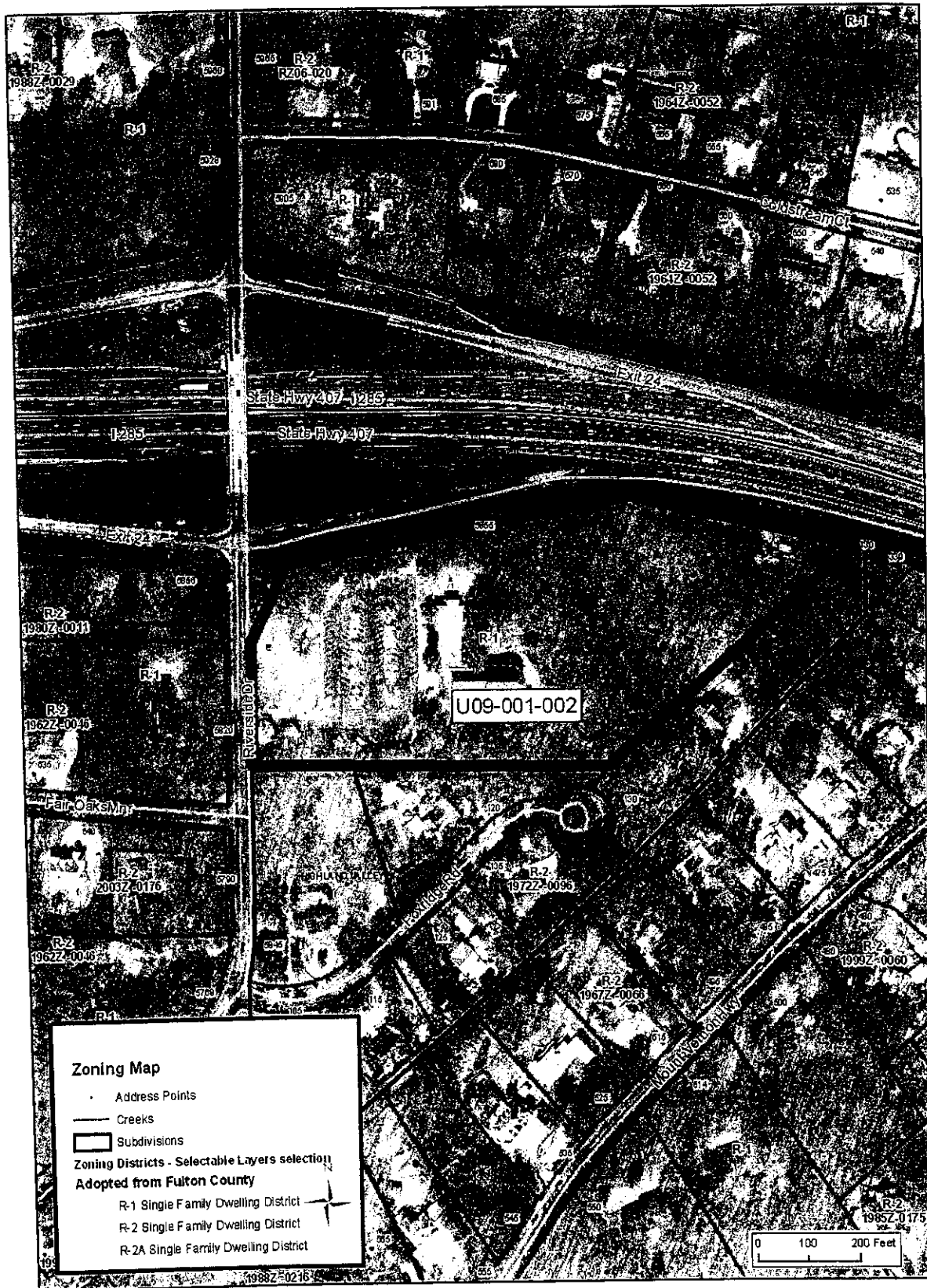
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION U09-001 U09-002 U09-007	Proposed Use		Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	Church, Private School, & Day Care		10.08	26,351	2,614.19

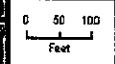
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	-	I-285 Highway (State Highway 407)	-	-	-
East	R-2 1972Z-0096	Single Family Home 130 Foxridge NW (Highland Valley Subdivision)	2.14	1 du	.467 du/ac
South	R-2 1972Z-0096	Single Family Home 120 Foxridge NW (Highland Valley Subdivision)	1.40	1 du	.714 du/ac
South	R-1	Single Family Home 5845 Riverside Dr. NW (Highland Valley Subdivision)	2.22	1 du	.45 du/ac
West	R-1	Single Family Home 5820 Riverside Dr. NW	1.99	1 du	.502 du/ac
West	R-2 1980Z-0011	5856 Riverside Drive	1.03	1 du	.97 du/ac

Zoning Map

5855 Riverside Drive



5855 Riverside Drive



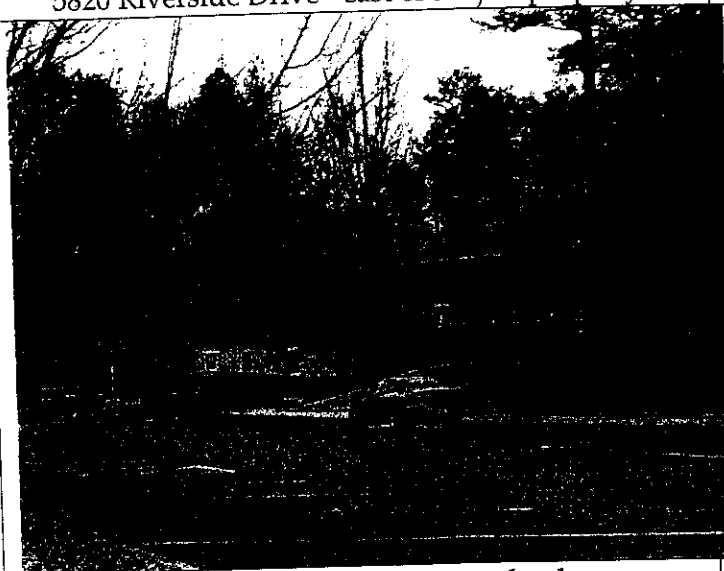
Photographs



5820 Riverside Drive - east of subject property



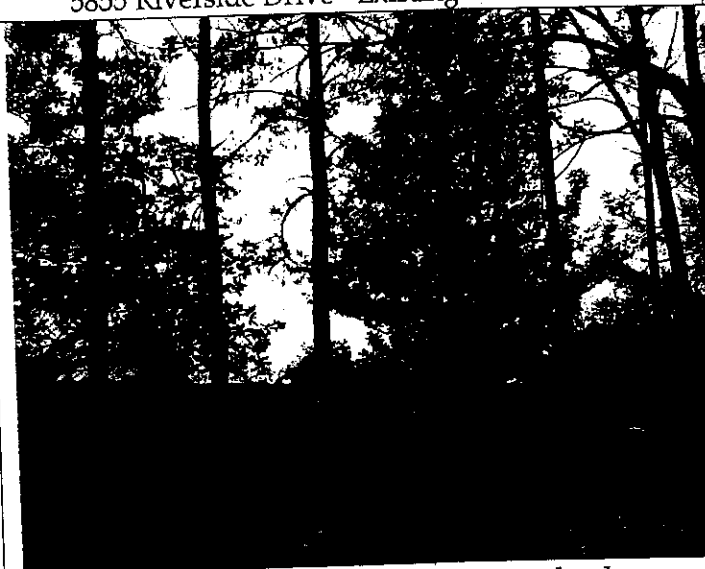
Subject Property - 5855 Riverside Drive.



5855 Riverside Drive - Existing school area.



5855 Riverside Drive - Existing church property.



Small playground behind existing school.

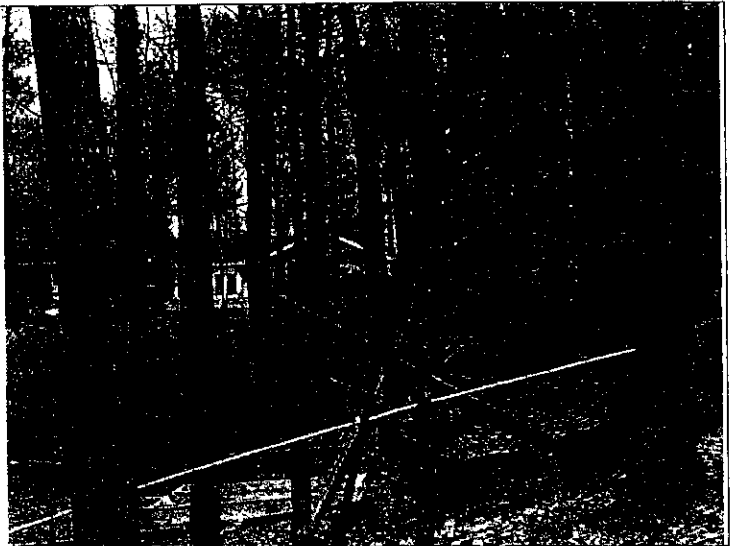


Play area at north end of subject property abuts I-285

Photographs



Play area and trailers north of school building.



Play area east side of property back of 120 Foxridge.



Large play area on south east corner of property.



5790 Riverside Drive - south west of subject property.



105 Foxridge Road - south of subject property.



Sign posted on property 2.06.09

SITE PLAN ANALYSIS

The site plan submitted shows the existing 22,243 square foot church/school and the proposed 2,000 square foot addition located on east side of Riverside Drive and just south of the I-285 eastbound onramp. In addition there are trailer(s) existing on site, three play areas and an existing Bell South cell phone tower. The applicant is proposing to add approximately 2,000 square feet to the southern portion of the existing church to be used as office space and a new library, freeing up space in the church building to expand the private school. The total proposed square footage, including the trailer(s), is 26,351 square feet at a density of 2,614.19 square feet per acre. The parking area is located in front of the building and is accessed by one (1) curb cut from Riverside Drive.

PARKING AND TRAFFIC IMPACT ANALYSIS

The applicant is proposing that the site be accessed by the existing curb cut from Riverside Drive. Section 18.2.1, *Basic Off-Street Parking Requirements*, requires a minimum of 1 parking space per 3.5 fixed seats for church uses. The owner/developer is required to provide a minimum of 87 spaces for the church use.

In addition, Section 18.2.1, *Basic Off-Street Parking Requirements*, requires a minimum of 1.7 spaces per 1,000 square feet of Day Care space (21 stalls) plus one stall per every 4 employees on the largest shift (7 stalls), which would add 28 spaces to the requirement.

In addition, Section 18.2.1, *Basic Off-Street Parking Requirements*, requires a minimum of 2 spaces per classroom, which would add 8 spaces to the requirement.

The total required number of spaces is 123, and the number provided is 134. No carpool stacking occurs on any adjacent or nearby public street. All carpool stacking can be contained within the school property.

Riverside Drive is heavily traveled at this location at the eastbound entrance ramp to I-285, making left turn movements out of the school and off of Foxridge Drive to the south of the subject property difficult, particularly during peak commute hours. This is also the location of the westbound exit from I-285, making left turning movements for neighbors on the west side of Riverside Drive difficult as well. The driveway to the church is commonly used by local traffic as a turn-around. The majority of the traffic issues are due to background traffic not generated by this use. Please see attached City Traffic Study.

LANDSCAPE PLAN ANALYSIS

The applicant has provided the following required landscape strips and buffers on the site plan:

- Ten (10) foot landscape strip along the north property line abutting I-285
- Twenty (20) foot landscape strip along the west property line abutting Riverside Drive
- Twenty-five (25) foot buffer and ten (10) foot improvement setback along the south property line adjacent to residentially zoned property
- Fifty (50) foot buffer and ten (10) foot improvement setback along the east property line adjacent to residentially zoned property

ENVIRONMENTAL SITE ANALYSIS

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within a floodplain.

DEPARTMENT COMMENTS

The staff held a Focus Meeting on February 6, 2009 at which the following departmental comments were provided:

BUILDING DIVISION	Sandy Springs Assistant Director of Building and Permitting	Bring the existing structure into compliance with building codes pursuant to Chapter 105, Buildings and Building Regulations, the Code of the City of Sandy Springs.
DEVELOPMENT DIVISION	Sandy Springs Development Plan Review Engineer	There are no development requirements that need to be addressed at this time.
	Sandy Springs Landscape Architect/ Arborist	There are no landscape requirements that need to be addressed at this time.
FIRE DEPT.	Sandy Springs Fire Protection Engineer	Bring the existing structure into compliance with fire codes, pursuant to Chapter 22, Fire Prevention and Protection, of the Code of the City of Sandy Springs.
TRANSPORTATION	Sandy Springs Transportation Planner	Right-of-way dedication: 30' from centerline of Riverside Drive or 10.5 feet from the back of curb, whichever is greater. The ADT on Riverside in front of the school is about 6000 vehicles per day. By comparison, the ADT on the north side of the interchange is over 14,000 vehicles per day. The impact is relatively minimal. They also have a significant amount of on-site queuing space for drop-off. No improvements required at this time. Please see attached City Traffic Study.
	Georgia Department of Transportation	Revive 285 top end is a combined highway/transit project sponsored by Georgia DOT and GRTA to produce a concept and Environmental Impact Statement (EIS) for improvements to I-285 North from I-75 to I-85. Alternatives analysis is currently underway. As requested by Atlanta Regional Commission, alternatives including light rail transit have been added to the analysis to coordinate with the Transit Planning Board's Concept 3 Vision. A Draft EIS is expected late 2010 and a Record of Decision on the Final EIS is expected late 2011. If there are any questions, please contact the project manager Marlo Clowers at (404) 631-1713.

The staff has not received any additional comments from the Fulton County Board of Education. The staff has received additional comments, based on the original submission, from the Fulton County Department of Health and Wellness, attached herewith. However, Staff has submitted to the Fulton County Department of Health and Wellness the current clarified proposal, and, to date, Staff has not received updated comments. Staff is aware the subject property is operating under the septic system(s) and anticipates a completed review by the Fulton County Department of Health and Wellness in the near future. The school currently does not prepare food onsite, but at whatever time they decide to prepare food, they will need to get the appropriate food handling permits from Fulton County.

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held on January 27, 2009 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held February 25, 2009 at the Sandy Springs City Hall

Public Comments and Responses

The public expressed concern about the proposal with regard to the following. The staff response follows:

- A concern about adding traffic to this site in light of the existing congestion on Riverside Drive entering and exiting the I-285 freeway at this location.

Response: The City's Transportation Planner has determined the traffic congestion is due to overall growth in the area and not solely attributable to the church or school. (See Transportation Planner comments on Page 9 of this report and attached City Traffic Study.)

- Use of the church driveway as a turn-around for local traffic causing accidents.

Response: The applicant has stated her willingness to install security gates at the entrance to the church to prevent the turn-around movements. However, residents did not favor this approach because the turn-around traffic would then be forced onto neighborhood streets and driveways.

- Use of the church grounds by teenagers on evenings and weekends and fear of a criminal element using the dark parking lot areas at night.

Response: The Department of Community Development has contacted the Sandy Springs Police Department to determine a record of incidents reported on the property; however, due to the fact that incident reports are tracked through Fulton County 911, staff has not received a final report at this time.

- Concern that the applicant has already exceeded the 60 student enrollment cap allowed under the 2007 use permit.

Response: The applicant has provided an affidavit to verify her claim that there are not more than 60 students in classes at the school at any given time of day. Staff has provided conditions limiting the maximum number of children permitted to be enrolled and requiring an annual report from the school owner to track the enrollment level, which is not currently required under the 2007 conditions of zoning.

- A concern that the "preschool/kindergarten component" specified in the 2007 Use Permit case has been violated with the introduction of older children in the after school program.

Response: The 2007 Use Permit Case (U07-005) condition states "A foreign language school with a preschool/kindergarten component"; however, the applicant has indicated that an afterschool program is being provided for elementary age students, which is permitted under state law for preschool facilities. Staff has prepared conditions to specifically address the operating hours for the school based on the applicant's request.

- A need to limit the number of children to be enrolled in the program in the future.

Response: Staff has prepared conditions to specifically address the number of attendees/enrollment and operating hours for the operation based on the applicant's request. This concern is met with staff conditions of this report.

- A concern that not enough of the residents in this area are being informed of this proposal with the City's policy to mail to residents within a 300' radius of the proposal.

Response: The Department of Community Development is required to notify property owner's within 300 feet of the subject site (Section 28.3.1), which was done as a postcard mailed out by the department. The ¼ mile notification (Section 28.4.7) is a required mailing done by the applicant for the second community meeting in the process, which is held prior to the first public hearing (the Planning Commission meeting). The applicant completed the ¼ mile notification mailing as required.

Three letters in opposition to the project were received on March 2nd, 3rd and 4th (see attachments). Staff has added conditions to the approval of the use permit to address resident's issues, should the proposal be approved by the Planning Commission, and the Mayor and City Council.

Notice Requirements

The petition was advertised in the Daily Report on June 11, 2009 and June 25, 2009. The applicant posted signs issued by the Department of Community Development along the frontage of Riverside Drive on May 27, 2009.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on July 21, 2009. The Public Participation Report was submitted on or before July 14, 2009.

USE PERMIT CONSIDERATIONS

The applicant is requesting a use permit to construct a 2,000 square foot addition to the existing church, expand enrollment at the Private School to 70 students, and establish a Day Care Facility to have enrollment of 150 children during the work week and 50 children on Saturdays.

Per Article 19.2.4, *Use Permit Considerations*, the City Council shall consider each of the following:

A. *Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;*

Finding: The proposed Church, Private School, and Day Care uses are consistent with the Future Land Use Map which designates the property as residential, zoned R0-1 (zero to one unit per acre). The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of single family residences to the south, east and west, and the I-285 freeway to the north. The proposal allows for a proper transition between these areas.

B. *Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;*

Finding: The staff is of the opinion that the proposal will not have an adverse impact on the use or usability of adjacent or nearby property.

C. *Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;*

Finding: The staff is of the opinion that the proposal will not violate any local, state, or federal ordinances/regulations.

D. *The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;*

Finding: The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure.

E. *The location and number of off-street parking spaces;*

Finding: The applicant has met and exceeded the required parking under Section 18.2.1, *Basic Off-Street Parking Requirements*, with a minimum of 1 parking space per 3.5 fixed seats for Church use, 1.7 spaces per 1,000 square feet plus one per 4 employees for Day Care use, and 2 parking spaces per School classroom. The owner/developer is required to provide a minimum of 123 spaces. The applicant is showing that 134 spaces are provided on site.

F. *The amount and location of open space;*

Finding: The applicant has indicated that the majority of this 10.08 acre site is undeveloped. There are three playgrounds shown on the site plan: one surrounding existing trailers to the north of the existing school and two locations to the east of existing church. The site plan indicates that 68.6% of the property is undeveloped open space.

G. Protective screening;

Finding: The applicant is meeting the requirements for a 25 foot buffer and 10 foot improvement setback on the southern property boundary and a 50 foot buffer and 10 foot improvement setback on the eastern property line adjacent to residential development. A 25 foot side yard setback and 10 foot landscape strip is shown on the northern boundary of the property adjacent to I-285.

H. Hours and manner of School and Day Care operation;

Finding: The applicant has indicated that the hours of operation for the School will be:

Monday -Friday: 8:00 a.m. to 3:00 p.m.

The applicant has indicated that the hours of operation for the Day Care(s) will be:

Monday - Friday: 8:00 a.m. to 6:00 p.m.

Saturdays: 9:00 a.m. - 3:00 p.m.

I. Outdoor lighting; and

Finding: The applicant has indicated that any outdoor lighting will be in compliance with the Sandy Springs ordinance, will be provided for security and aesthetic value.

J. Ingress and egress to the property.

Finding: The applicant is proposing that the site be accessed by the existing curb cut from Riverside Drive.

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposed Church, Private School, and Day Care Facility are consistent with the intent of the policies of the Comprehensive Plan and with the Future Land Use Map. Therefore, based on these reasons, the staff recommends APPROVAL CONDITIONAL of the use permit petitions to expand the Church, expand the Private School, and establish a Day Care Facility.

STAFF RECOMMENDED CONDITIONS

The staff recommends **APPROVAL CONDITIONAL** of the use permit petitions to allow for a 2,000 square foot addition to the existing Church (U00-001), increase enrollment of the existing Private School from the current 60 to a total of 70 students (U09-002), and establish Day Care Facility use(s) (U09-007). The staff recommends that the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. A church at a maximum density of 2,614.19 square feet per acre or a total of 26,351 square feet, whichever is less (U09-001). The subject Private School (U09-002) and Day Care Facility (U09-007) may occupy the aforementioned space.
- b. A Private Elementary School (grades K through 3) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m.
- c. A Day Care Facility with a total enrollment of no more than 150 children limited to operating Monday through Friday between the hours of 8:00 a.m. to 6:00 p.m.
- d. A Day Care Facility with a total enrollment of no more than 50 children limited to operating Saturdays between the hours of 9:00 a.m. to 3:00 p.m.
- e. The Private School and Day Care(s) shall provide copies of all state licenses and exemptions to the Director of Community Development by July 1st of each calendar year.
- f. By August 21, 2009 and July 1st of each calendar year thereafter, the Private School and Day Care(s) shall provide an annual report detailing total enrollment by the uses (exemptions and/or licenses) detailed in conditions 1.b, 1.c, and 1.d, subject to the approval of the Director of Community Development.
- g. No more than a total of 17 staff and 118 children shall be enrolled during weekdays and Saturdays until such time review and approval for more occupancy has been obtained from Fulton County Health & Wellness, then a total enrollment of up to the quantity specified in conditions 1.b, 1.c, and 1.d. may be utilized.

2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Department of Community Development dated April 8, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
- b. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Riverside Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- c. The light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.

- d. To bring the existing structure into compliance with building codes pursuant to Chapter 105, Buildings and Building Regulations, the Code of the City of Sandy Springs.
- e. To bring the existing structure into compliance with fire codes, pursuant to Chapter 22, Fire Prevention and Protection, of the Code of the City of Sandy Springs.
- f. The school shall provide a 24-hour contact person available to address on-site management issues for surrounding property owners. The school shall provide this information in the annual report referenced in condition 1.f. Compliance with this condition shall be in place by July 1st of each calendar year.
- g. The school shall submit a schedule of events to the Sandy Springs Communications Department detailing the date and time of each special event. Said schedule shall be submitted annually, by July 1st of each calendar year, and monthly on the first day of each month.
- h. Use of such recreational fields and play areas shall not be permitted after sunset.
- i. To prohibit any fixed/permanent outdoor loudspeakers, horns, or amplified sound systems. Operation and use of any portable sound system shall be subject to the City of Sandy Springs Noise Ordinance.
- j. Parking lot lighting shall be no taller than 20 feet and shall not be installed within 50 feet of any residentially-zoned property. The light source of all external lighting on the Property shall be screened and shall not be directly visible from adjoining residential properties. Outdoor lighting of all play areas and recreational fields is prohibited.
- k. Delivery hours and days shall be limited to the following: 7:30 AM to 7:30 PM on Monday through Friday; 8:00 AM to 5:00 PM on Saturdays; no deliveries are permitted on Sundays.
- l. No additional instruction and programs shall be permitted for any person beyond the staff recommended conditions for the number of enrollment during weekdays and Saturdays as specified in conditions 1.b, 1.c, and 1.d.
- m. The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than December 31, 2013.
- n. The subject Private School Use Permit shall expire on December 31, 2013.
- o. The instruction at the Private School shall be limited as follows: only offer grades K through 1 for the 2009-2010 academic year, only offer grades K through 2 for the 2010-2011 academic year, only offer grades K through 3 for the academic year 2011-2012.

Attachments

1. Applicant's Letter of Intent received February 4, 2009.
2. Use Permit Considerations received February 4, 2009.
3. Site Plan received February 25, 2009.
4. Comments from Fulton County Department of the Environment and Community Development received February 12, 2009.
5. Comments from Fulton County Department of Health and Wellness received February 20, 2009.
6. E-mails of opposition from Matt and Rebecca Eads received March 2, 2009.
7. Letter of Opposition from Matt Eads titled "Citizens Against Commercial Growth on Riverside Drive" received March 2, 2009.
8. Letter of Opposition from Sara Eads dated March 3, 2009.
9. Letter of Opposition from Robert Crewdson dated March 4, 2009.
10. Letter of Opposition from Sam and Barbara Mitchell dated March 10, 2009.
11. Revised Letter of Intent, Analysis and Considerations package from applicant's attorney, dated April 2, 2009.
12. Supplemental information from applicant's attorney, dated May 6, 2009.
13. Related documents.